



The Town of Fenwick Island

800 Coastal Highway
Fenwick Island DE 19944-4409

WWW.fenwickisland.delaware.gov
PH 302.539.3011 FAX 302.539.1305

REGULAR MEETING OF THE TOWN COUNCIL

September 25, 2015 at 3:30 p.m.

Fenwick Island Town Hall

AGENDA

Flag Salute and Call to Order

1. President's Report
2. For Discussion and Possible Action:
 - a. DNREC Parks and Recreation Contract Extension Town Manager Burke
 - b. Little Assawoman Bay (discussion of issues) Town Manager Burke
 - c. FY 2016 Fee Schedule (amendment) Town Manager Burke
 - d. DE Bicycle Council Grant Application Town Manager Burke
 - e. 2015 Fenwick Flicks Summer Review Kristie Maravalli, Bethany-Fenwick Chamber
 - f. Committee Participation Application Council Member Lee
 - g. 2015 DTF Grant Resolution Town Manager Burke
 - h. Charter & Ordinance Committee Chairperson Mayor Langan
3. Approval of Minutes from July 24, 2015 Regular Council Meeting
4. Treasurer's Report
5. Town Manager's Report
6. Department Reports: Building, Public Works, Beach Patrol and Police
7. Committee Reports: Charter and Ordinance, Beach, Environmental, Technology, Business Development, Ad hoc Parks and Recreation
 - a. Proposed First Reading – Chapter 116 – Gun Ordinance - Council Member Weistling
 - b. Proposed First Reading - Commercial Zone Regulation - Council Member Weistling
8. Old Business
9. New Business
10. Public Participation
11. Upcoming Events and Meetings
 - a. October 6 9:30 a.m. Charter and Ordinance Committee Meeting
 - b. October 13 2:30 p.m. Planning Commission Meeting
 - c. October 15 10:30 a.m. Technology Committee Meeting
 - d. October 15 2:30 p.m. Environmental Committee Meeting
 - e. October TBD 10:30 a.m. Business Development Committee Meeting
 - f. October 23 3:30 p.m. Regular Council Meeting
12. Adjournment

This Agenda is subject to change to include additional items, including Executive Sessions or the deletion of items as in accordance with provisions within Title 29, Chapter 100. Freedom of Information Act. Persons with disabilities requiring special accommodations please contact Town Hall 72 hours in advance

Posted: September 18, 2015

TOWN OF FENWICK ISLAND
MONTHLY RECONCILIATION OF ACCOUNTS

AUGUST 2015

Account Categories	Account	Beginning Balance	Ending Balance
Town of Fenwick Island			
	General Fund Checking (PNC)	\$ 207,724.94	\$ 268,134.17
	General Fund Savings (PNC)	\$ -	\$ closed 7/28
	Payroll Fund (PNC)	\$ 12,525.38	\$ 34,341.02
	Checking (BOC)	\$ 5,000.00	\$ 5,000.00
	CDARS MMF (BOC)	\$ 53,368.31	\$ 153,413.59
	Petty Cash	\$ 200.00	\$ 200.00
	Total	\$ 278,818.63	\$ 461,088.78
Municipal Street Aid			
	Checking (PNC)	\$ 21,643.40	\$ 52,573.95
Special Reserve Accounts			
	Parks & Recreation (PNC)	\$ 8,049.82	\$ 1,449.49
	Beach Replenishment (BOC)	\$ 36,928.56	\$ 36,947.38
	Dedicated Street (Bk.of Del.)	\$ 51,721.83	\$ 51,721.83
	Beach Committee (PNC)	\$ 7,622.10	\$ 2,975.53
	Total	\$ 104,322.31	\$ 93,094.23
Law Enforcement Grants			
	(all accounts--PNC)		
	SALLE (State Aid to Local)	\$ 1.50	\$ 1.50
	EIDE (Drug Enforcement)	\$ 1.00	\$ 1.00
	SLEAF (Spec. Law Enforce. Asslst.)	\$ -	\$ -
	Criminal Justice Block Grant	\$ 126.60	\$ 126.60
	Violent Crime Grant	\$ 9.00	\$ 9.00
	Total	\$ 138.10	\$ 138.10
Realty Transfer Tax Funds (all accounts)			
Reserve Accounts			
	Bank of Ocean City CDARS	\$ 210,259.99	\$ 210,367.15
	Subtotal	\$ 210,259.99	\$ 210,367.15
Non-Reserve Accounts			
	Bank of Ocean City (interest acct.)	\$ 205,108.91	\$ 205,687.29
	Bank of Ocean City CDARS	\$ 1,025,456.15	\$ 1,025,456.15
	PNC Realty Transfer Tax (RTT)	\$ 174,379.96	\$ 174,394.77
	Subtotal	\$ 1,404,945.02	\$ 1,405,538.21
Total--Realty Transfer Tax Funds		\$ 1,615,205.01	\$ 1,615,905.36
Grand Total--all accounts		\$ 2,020,127.45	\$ 2,222,800.42

Cleared balances as of Aug 31, 2015

TOWN OF FENWICK ISLAND

FY2016 REALTY TRANSFER TAX RESERVE FUNDS

Month	Beginning Balance	Taxes Collected	Date Collected	Interest Earned	Transfers In	Transfers Out	Sussex Co. fee (1%)	Ending Balance
Aug-15	\$1,615,205	\$ -	None	\$ 700.00	\$ -	\$ -	\$ -	\$1,615,905
Sep-15								
Oct-15								
Nov-15								
Dec-15								
Jan-16								
Feb-16								
Mar-16								
Apr-16								
May-16								
Jun-16								
Jul-16								
TOTALS		\$0		\$700	\$0	\$0	\$0	

Report prepared as of Aug 31, 2015

TOWN OF FENWICK ISLAND

Profit & Loss Budget vs. Actual

August 2015

Ordinary Income/Expense

Income

	Aug 15	Budget	\$ Over Budget	% of Budget
49000 · Beach/Concession Services	0.00	15,712.00	-15,712.00	0.0%
42000 · Interest Income	45.28			
43000 · Taxes				
41020 · Property Taxes	219,719.11	689,483.00	-469,763.89	31.87%
42010 · Rental Receipt Tax	2,270.25	260,000.00	-257,729.75	0.87%
Total 43000 · Taxes	221,989.36	949,483.00	-727,493.64	23.38%

44550 · Charges for Services - Admin

43010 · License Fees - OC	425.00	51,800.00	-51,375.00	0.82%
43020 · License Fees - RU	350.00	27,010.00	-26,660.00	1.3%
43030 · License Fees - RM	0.00	27,010.00	-27,010.00	0.0%
44010 · Solid Waste Collection Fee	60,697.00	204,815.00	-144,118.00	29.64%
44020 · Comcast Cable Fees	0.00	33,000.00	-33,000.00	0.0%
44030 · BBVFC Ambulance Service Fee	12,508.20	45,686.00	-33,177.80	27.38%
45100 · Building Permit Fees	2,170.00	175,000.00	-172,830.00	1.24%
Total 44550 · Charges for Services - Admin	76,150.20	564,321.00	-488,170.80	13.49%

44800 · Fines & Forfeitures

46100 · Penalties	0.00	4,500.00	-4,500.00	0.0%
46200 · Traffic Fines	1,883.00	36,000.00	-34,117.00	5.23%
46300 · Parking Violation Fees	4,465.00	12,000.00	-7,535.00	37.21%
44800 · Fines & Forfeitures - Other	0.00	500.00	-500.00	0.0%
Total 44800 · Fines & Forfeitures	6,348.00	53,000.00	-46,652.00	11.98%

45000 · Investments

47100 · Interest Income	0.00	3,000.00	-3,000.00	0.0%
Total 45000 · Investments	0.00	3,000.00	-3,000.00	0.0%

46430 · Revenue - Admin

45320 · Contractor Decals	5.00	2,500.00	-2,495.00	0.2%
45330 · Bonfire Permits	-25.00	8,500.00	-8,525.00	-0.29%
46400 · Other Income-Sp.Evts.,Donations				
46450 · Donations	290.00			
46400 · Other Income-Sp.Evts.,Donations - Other	-100.00	48,531.00	-48,631.00	-0.21%
Total 46400 · Other Income-Sp.Evts.,Donations	190.00	48,531.00	-48,341.00	0.39%

47120 · Town Hall Rental Fee	80.00	1,000.00	-920.00	8.0%
47150 · Photo/Audio Copy Fee	25.00	50.00	-25.00	50.0%
47200 · Parking Permits	2,510.00	18,000.00	-15,490.00	13.94%
47250 · Subdivision Application Fee	0.00	275.00	-275.00	0.0%
47275 · Public Hearing Fee	0.00	275.00	-275.00	0.0%
47300 · Income (FI Sponsorship Program)	0.00	8,000.00	-8,000.00	0.0%

TOWN OF FENWICK ISLAND

Profit & Loss Budget vs. Actual

August 2015

	Aug 15	Budget	\$ Over Budget	% of Budget
48200 · Income restrict purpose	500.00	500.00	0.00	100.0%
Total 46430 · Revenue - Admin	3,285.00	87,631.00	-84,346.00	3.75%
46440 · Other Types of Revenue - Police				
46441 · Police Revenue--Pension	0.00	24,000.00	-24,000.00	0.0%
47160 · Police Accident Report Fee	25.00	250.00	-225.00	10.0%
47161 · Salary OT Reimbursement	2,800.00	7,500.00	-4,700.00	37.33%
Total 46440 · Other Types of Revenue - Police	2,825.00	31,750.00	-28,925.00	8.9%
47000 · Intergovernmental Rev Lifeguard				
47280 · State Line Beach (State of DE)	45,000.00	45,000.00	0.00	100.0%
47290 · State Line Beach (Sussex Co DE)	15,000.00	15,000.00	0.00	100.0%
Total 47000 · Intergovernmental Rev Lifeguard	60,000.00	60,000.00	0.00	100.0%
47050 · Intergovernmental Rev Police				
47285 · Sussex County Police Grant	0.00	25,000.00	-25,000.00	0.0%
47050 · Intergovernmental Rev Police - Other	0.00	3,000.00	-3,000.00	0.0%
Total 47050 · Intergovernmental Rev Police	0.00	28,000.00	-28,000.00	0.0%
48150 · Junior Lifeguard	195.00	8,000.00	-7,805.00	2.44%
Total Income	370,837.84	1,800,897.00	-1,430,059.16	20.59%
Gross Profit	370,837.84	1,800,897.00	-1,430,059.16	20.59%
Expense				
61100 · POLICE DEPARTMENT				
61155 · Police Dental Insurance	296.34	1,778.00	-1,481.66	16.67%
61110 · Police Salaries	30,838.76	376,756.00	-345,917.24	8.19%
61140 · Police Life Insurance	136.30	1,607.00	-1,470.70	8.48%
61150 · Police Health Insurance	9,122.04	85,864.00	-76,741.96	10.62%
61160 · Police Payroll Taxes	2,490.37	31,930.00	-29,439.63	7.8%
61170 · Police Pension Expense	4,056.80	45,715.00	-41,658.20	8.87%
61180 · Police Workers Compensation	0.00	0.00	0.00	0.0%
61210 · Police Supplies	0.00	4,500.00	-4,500.00	0.0%
61220 · Police Office Supplies	121.97	2,000.00	-1,878.03	6.1%
61310 · Police Office Equip Maintenance	0.00	600.00	-600.00	0.0%
61320 · Police Printing & Advertising	0.00	600.00	-600.00	0.0%
61330 · Police Uniforms	303.24	6,000.00	-5,696.76	5.05%
61335 · Police Mobile Computer Access	160.04	2,930.00	-2,769.96	5.46%
61340 · Police Vehicle Maintenance	1,811.09	6,500.00	-4,688.91	27.86%
61345 · Police Fuel	489.08	19,800.00	-19,310.92	2.47%
61350 · Police Communication Equipment	0.00	1,000.00	-1,000.00	0.0%
61380 · Police Professional Development	166.00	5,000.00	-4,834.00	3.32%
61390 · Public Safety Bldg. Expenses	840.55	10,150.00	-9,309.45	8.28%

TOWN OF FENWICK ISLAND
Profit & Loss Budget vs. Actual
August 2015

	Aug 15	Budget	\$ Over Budget	% of Budget
Total 61100 · POLICE DEPARTMENT	50,832.58	602,730.00	-551,897.42	8.43%
61500 · LIFEGUARDS				
61681 · Lifeguard Employee Relations	1,050.48	800.00	250.48	131.31%
61673 · Lifeguard Beach Vehicle Maint.	50.42	500.00	-449.58	10.08%
61510 · Lifeguard Salaries--Fenwick				
61515 · Lifeguard Salaries - State	21,701.55			
61510 · Lifeguard Salaries--Fenwick - Other	35,898.55	204,760.00	-168,861.45	17.53%
Total 61510 · Lifeguard Salaries--Fenwick	57,600.10	204,760.00	-147,159.90	28.13%
61530 · Lifeguard Payroll Taxes-Fenwick	5,617.62	20,664.00	-15,046.38	27.19%
61540 · Lifeguard Workmans Comp	0.00	0.00	0.00	0.0%
61610 · Lifeguard Supp & Equip-Fenwick	109.18	5,000.00	-4,890.82	2.18%
61620 · Lifeguard Uniforms	476.50	6,000.00	-5,523.50	7.94%
61630 · Lifeguard Junior Guard Program	69.52	2,000.00	-1,930.48	3.48%
61640 · Lifeguard Chair & Sign Maint	700.00	4,000.00	-3,300.00	17.5%
61665 · Lifeguard Professional Develop.	0.00	1,000.00	-1,000.00	0.0%
61670 · Lifeguard USLA Certification	0.00	1,200.00	-1,200.00	0.0%
61675 · Lifeguard Fuel	42.75	600.00	-557.25	7.13%
61710 · Lifeguard Awards & Competition	113.27	500.00	-386.73	22.65%
Total 61500 · LIFEGUARDS	65,829.84	247,024.00	-181,194.16	26.65%
61800 · PUBLIC WORKS DEPARTMENT				
62061 · Public Works - Yard Waste	0.00	500.00	-500.00	0.0%
61845 · Public Works Dental Insurance	72.14	0.00	72.14	100.0%
61810 · Public Works Salaries	9,304.77	121,149.00	-111,844.23	7.68%
61830 · Public Works Life Insurance	58.75	705.00	-646.25	8.33%
61840 · Public Works Health Insurance	3,487.66	38,862.00	-35,374.34	8.97%
61850 · Public Works Payroll Taxes	711.81	10,822.00	-10,110.19	6.58%
61870 · Public Works Pension Expense	651.28	5,957.00	-5,305.72	10.93%
61880 · Public Works Workers' Comp	0.00	0.00	0.00	0.0%
61905 · Public Works Professional Devel	0.00	500.00	-500.00	0.0%
61910 · Public Works Office Supplies	12.99	100.00	-87.01	12.99%
61920 · Public Works Shop Supplies	390.85	3,500.00	-3,109.15	11.17%
61930 · Public Works Shop Equipment	151.96	3,800.00	-3,648.04	4.0%
61940 · Public Works Safety Equipment	0.00	600.00	-600.00	0.0%
62010 · Public Works Printing & Advert	0.00	100.00	-100.00	0.0%
62015 · Public Works Utilities	87.02	6,115.00	-6,027.98	1.42%
62020 · Public Works Bldg Maintenance	152.00	1,500.00	-1,348.00	10.13%
62025 · Public Works Uniforms	0.00	1,000.00	-1,000.00	0.0%
62030 · Public Works Fuel	52.25	4,500.00	-4,447.75	1.16%
62035 · Public Works Vehicle Maintenanc	0.00	2,500.00	-2,500.00	0.0%
62075 · Public Works CDL Testing	40.00	750.00	-710.00	5.33%
62100 · Public Works Contract Services	0.00	116.00	-116.00	0.0%

TOWN OF FENWICK ISLAND
Profit & Loss Budget vs. Actual
August 2015

	Aug 15	Budget	\$ Over Budget	% of Budget
Total 61800 · PUBLIC WORKS DEPARTMENT	15,173.48	203,076.00	-187,902.52	7.47%
62200 · ADMINISTRATION				
62235 · Admin Dental Insurance	260.92	1,787.00	-1,526.08	14.6%
62210 · Admin Salaries	16,532.28	204,727.00	-188,194.72	8.08%
62220 · Admin Life Insurance	63.45	1,000.00	-936.55	6.35%
62230 · Admin Health Insurance	4,941.93	56,415.00	-51,473.07	8.76%
62240 · Admin Payroll Taxes	1,242.71	17,734.00	-16,491.29	7.01%
62250 · Admin Pension Expense	1,287.56	17,137.00	-15,849.44	7.51%
62255 · Admin Workers Comp	0.00	0.00	0.00	0.0%
62260 · Admin Financial Services	810.08	3,007.00	-2,196.92	26.94%
62310 · Admin Office Equip Maintenance	0.00	2,500.00	-2,500.00	0.0%
62320 · Admin Office Supplies	1,271.69	3,000.00	-1,728.31	42.39%
62330 · Admin Travel Reimbursement	499.20	700.00	-200.80	71.31%
62332 · Admin Vehicle Acquisition	344.93	4,140.00	-3,795.07	8.33%
62334 · Admin Vehicle Fuel/Maint	260.16	4,600.00	-4,339.84	5.66%
62340 · Admin Printing & Advertising	95.30	3,050.00	-2,954.70	3.13%
62350 · Admin Professional Development	339.00	2,300.00	-1,961.00	14.74%
62360 · Admin Personnel Supplies	255.65	400.00	-144.35	63.91%
Total 62200 · ADMINISTRATION	28,204.86	322,497.00	-294,292.14	8.75%
63200 · GENERAL GOVERNMENT				
63276 · Gen Gov-TH/PSB Copiers	180.84	1,576.00	-1,395.16	11.48%
63380 · Gen Gov Exp--Restricted Purpose				
63388 · Gen Govt--Town Parks	1,510.20			
Total 63380 · Gen Gov Exp--Restricted Purpose	1,510.20			
63205 · Gen Gov Insurance	426.00	151,984.00	-151,558.00	0.28%
63210 · Gen Gov Telephone & Internet	357.60	4,200.00	-3,842.40	8.51%
63220 · Gen Gov Website Services	0.00	2,800.00	-2,800.00	0.0%
63225 · Gen Gov Legal Services	4,451.12	15,000.00	-10,548.88	29.67%
63230 · Gen Gov Audit Services	0.00	9,000.00	-9,000.00	0.0%
63235 · Gen Gov Postage	0.00	2,660.00	-2,660.00	0.0%
63240 · Gen Gov Printing & Advertising	59.98	1,500.00	-1,440.02	4.0%
63245 · Gen Gov Utilities	658.17	9,700.00	-9,041.83	6.79%
63250 · Gen Gov Appraisal	0.00	4,250.00	-4,250.00	0.0%
63255 · Gen Gov Emergency Mgmt	0.00	500.00	-500.00	0.0%
63260 · Gen Gov Sewer	230.23	1,000.00	-769.77	23.02%
63265 · Gen Gov Dues	0.00	2,324.00	-2,324.00	0.0%
63271 · Gen Gov Recycling & Bulk Trash	5,913.40	36,244.00	-30,330.60	16.32%
63272 · Gen Gov Building Maintenance	494.83	3,500.00	-3,005.17	14.14%
63273 · Gen Gov Cell Phones	682.41	4,800.00	-4,117.59	14.22%
63274 · Gen Gov Contract Services	299.00	2,880.00	-2,581.00	10.38%
63280 · Gen Gov Contingencies	0.00	500.00	-500.00	0.0%

TOWN OF FENWICK ISLAND
Profit & Loss Budget vs. Actual
August 2015

	Aug 15	Budget	\$ Over Budget	% of Budget
63281 • Gen Gov Employee Relations	224.96	2,700.00	-2,475.04	8.33%
63285 • Gen Gov Codification	0.00	4,195.00	-4,195.00	0.0%
63290 • Gen Gov Pension Administration	0.00	3,300.00	-3,300.00	0.0%
63296 • Gen Gov Interest Expense	0.00	0.00	0.00	0.0%
63300 • Gen Gov Government Liaison	66.00	1,500.00	-1,434.00	4.4%
63305 • Gen Gov Supplies Median Maint	0.00	7,762.00	-7,762.00	0.0%
63310 • Gen Gov Community Projects	195.97	2,500.00	-2,304.03	7.84%
63320 • CRS Flood Program	0.00	1,000.00	-1,000.00	0.0%
63325 • Gen Gov BBVFC Ambulance Service	0.00	45,580.00	-45,580.00	0.0%
63330 • Gen Gov Solid Waste Collection	8,154.90	99,615.00	-91,460.10	8.19%
63370 • Gen Gov Parking Permits	0.00	3,000.00	-3,000.00	0.0%
Total 63200 • GENERAL GOVERNMENT	23,905.61	425,570.00	-401,664.39	5.62%
66000 • Payroll Expenses	0.00			
Total Expense	183,946.37	1,800,897.00	-1,616,950.63	10.21%
Net Ordinary Income	186,891.47	0.00	186,891.47	100.0%

**Town of Fenwick Island
Building Report**

9/18/2015

August 2015

TOTAL \$77,700.00 \$2,310.00

Permit Number	Property Description	Project Description	E.C.C.	Fees
4444	Shane DeLeon & Sons G. Godfrey 911 McWilliams St Lot 410 1-34 23.16 38.00	Replace plywood underneath siding.	\$700.00	\$0.00
4445	A. Adkins 3 E Houston St Lot 10 1-34 23.12 195.00	4'x44' deck; 20'x34' deck' 16'x35' deck, interior & exterior renovations, drywall, windows, siding	\$65,000.00	\$1,950.00
4446	Diamond Contracting G. Marchese 1304 Bora Bora St Lot 188 1-34 23.12 123.00	Repair existing steps	\$4,000.00	\$120.00
4447	Island construction W. Johnston 1504 Bay St Lot 113 1-34 23.12 147.00	Replace siding on boathouse	\$8,000.00	\$240.00

Town of Fenwick Island Public Works Department

September 2015 Report

- Regular maintenance duties
- Fuel reports completed
- State Of Delaware Recycling Grant approved, hold all purchases until October
- New PW Truck lettered, installed DOT number on doors of Chevy PW truck
- Dump Truck
 - Found faulty hydraulic pump on braking system of Dump Truck
 - Repaired by J.G. Parks & Son, of Mardela Springs, MD
 - Truck picked up by PW Department, back in service
- PW Pickup
 - Replaced radiator / hoses
 - New front brakes, rotors, calipers
 - Sent pickup out for brake line repair to Crossroads Auto Repair of Selbyville, DE
- Bulk trash pickups for 2015 completed by Republic Services
- New transfer switch installed at rear of Town Hall next to generator by Foxx Electric
- Getting prices to replace outside cover of generator, behind Town Hall
- Repaired LG side by side (broken springs for exhaust)
- Repaired toilet in Ladies bathroom
- All LG stands picked up, taken to storage at state park
- Replaced torn "Crossing Rt. 1" decals on Bunting Ave. at E. Lewes and E. Atlantic Sts.
- Weed whacked curb along Coastal Highway @ Sunshine Plaza
- Installed 36 U.S. flags out front of Town Hall for Wounded Warrior escort through town
- Scheduled fall / winter maintenance on HVAC system in Public Safety Bldg. for 9/28
- Getting quote from Hudson Electric to update lighting to LED in Town Hall under a grant
- Weekly watering of medians, pots, and LG shed beds
- Hudson Electric worked on electrical panel in Community Park, PW installed lattice to fill in gaps and painted wood frame white to match color of fencing
- Cleaned off top of drainage box clogged by grass on W. James St.
- Signed up for Stormwater Runoff webinar on 10/8
- Inventory in progress
- PW will be taking over yard waste pickups for remainder of year
- Continuing shoulder stone
- Installed stone on W. Bayard St.
- Monthly checks of smoke detectors and fire extinguishers

Fenwick Island Police Department
800 Coastal Hwy.
Fenwick Island, DE 19944

WILLIAM H. BOYDEN
Chief of Police



Emergency 911
Police Dept. 302.539.2000
Fax 302.539.2519

FENWICK ISLAND POLICE DEPARTMENT

MEMORANDUM

TO: PRESIDENT
COUNCIL MEMBERS
CITIZENS

FROM: CHIEF WILLIAM BOYDEN

DATE: September 17, 2015

SUBJECT: MONTHLY REPORT

The following is the August 2015 monthly report for your review and approval:

	<u>2015</u>	<u>2014</u>
Physical Arrests/Traffic Citation	4/62	1/159
Total Number of Complaints	60	46
DUI Arrests	2	2
Criminal Citations	4	1
Parking Tickets	74	8
Time Assisting DE State Police	11 hrs	5 hrs
Time Assisting Other Agencies	1hrs	7 hrs

**CHAPTER 116
ARTICLE III**

**ORDINANCE REGULATING THE POSSESSION OF FIREARMS,
AMMUNITION, COMPONENTS OF FIREARMS, AND EXPLOSIVES IN
MUNICIPAL BUILDINGS, ON MUNICIPAL PROPERTIES AND IN POLICE STATIONS
IN THE TOWN OF FENWICK ISLAND**

WHEREAS, by and through adoption of House Bill 192 by the 148th General Assembly of the State of Delaware ("HB192"), codified at Title 22, Section 111 of the Delaware Code, municipalities are permitted to adopt Ordinances regulating the possession of firearms, ammunition, components of firearms, or explosives in municipal buildings, on municipal properties and in police stations.

WHEREAS, the Mayor and Town Council desire to add a new Article III to Chapter 116 (Peace and Good Order) of the Code of the Town of Fenwick Island to prohibit possession of firearms, ammunition, components of firearms, or explosives in municipal buildings, on municipal properties and in police stations to the fullest extent permitted by HB 192

WHEREAS, the Town of Fenwick Island has introduced this Ordinance in accordance with procedures established by law.

NOW THEREFORE, IT IS HEREBY ORDAINED, by the Town of Fenwick Island, that the following Code changes and revisions are adopted:

CHAPTER 116. Amend by adding Article III (Gun Ordinance) to the Code of the Town of Fenwick Island the following language:

§ 116-14A. Possession of Firearms, Ammunition, Components of Firearms, or Explosives in Municipal Buildings, on Municipal Properties and in Police Stations Prohibited:

1. Prohibition. Except as set forth in §116-14A(5), possession of firearms, ammunition, components or firearms, or explosives in municipal buildings, on municipal properties and police stations is prohibited in all municipal buildings, on municipal properties and police stations.
2. Municipal Buildings/Properties Defined. For the purposes of this section "municipal buildings/properties" are defined as any building or property where the Town meets or owns in its official capacity, or any building or property containing the office of elected officials and/or public employees actively engaged in performing government business. The definition of "municipal building or property" also includes any non-Town owned or leased building or property where the Town is meeting or occupying such a building or property, but only during the time that the Town is meeting in or occupying such a building or property.
3. Required Signs. In all municipal buildings, on municipal properties and in police stations, a conspicuous sign shall be posted at each entrance stating that the possession

or firearms, ammunition, components of firearms, or explosives are prohibited. Such sign may but is not required to also state that persons in violation may be denied entrance to the building and/or property or be ordered to leave the building and/or property.

4. Immediate Departure. Any person who immediately foregoes entry or immediately exits any municipal building, municipal property or police station due to the possession of a firearm, ammunition, components or firearms, or explosives shall not be guilty of violating this section.
5. Exemptions. Nothing in this Article III shall be deemed to prevent in municipal buildings, on municipal properties or in police stations:
 - a. Possession of firearms, components of firearms, and ammunition or explosives by law enforcement officers;
 - b. Law enforcement agencies receiving shipments of delivery of firearms, components of firearms, ammunition of explosives;
 - c. Law enforcement agencies conducting firearms safety and training programs;
 - d. Law enforcement agencies conducting firearm or ammunition public safety programs, donation, amnesty, or any other similar programs in police stations or municipal buildings;
 - e. Compliance by persons subject to protection from abuse court orders;
 - f. Carrying firearms and ammunition by persons who hold a valid license pursuant to either § 1441 or § 1441A of Title 11 of the Delaware Code so long as the firearm remains concealed except for inadvertent display or for self defense or defense of others;
 - g. Carrying firearms and ammunition by officers or employees of the United States duly authorized to carry a concealed firearm; or
 - h. Carrying firearms and ammunition by agents, messengers and other employees of common carriers, banks, or business firms, whose duties require them to protect moneys, valuables and other property and are engaged in the lawful execution of such duties.
6. Penalties. Any person who shall violate or fail to conform to any provision of this Article shall be subject to penalties under this article not exceeding \$200 for each day of the violations, as well as the Town's costs and expenses, including reasonable attorney's fees, incurred to enforce the provisions of this Article and/or to collect the penalties imposed hereunder. Penalties assessed for a violation of this Article shall be considered civil penalties and any action brought for the recovery of the penalties by the Town shall be brought in any civil court of competent jurisdiction.

§ 116-14B. Severability.

The provisions of this Article shall be severable. If any provisions of this Article are found by any court of competent jurisdiction to be unconstitutional or void, the remaining

provisions of this Article shall remain valid, unless the court finds that the valid provisions of this Article are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that the Town of Fenwick Island would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the Town of Fenwick Island's intent. To the extent that this Article is deemed to exceed the statutory authorization provided by HB 192, the Town of Fenwick Island's intent is to implement the provisions of HB 192 to the fullest extent permitted, and this Article should be interpreted so that any invalid provision is limited only to maximum authorization permitted by HB 192.

§ 116-14C. No Repeal of Existing Firearms Related Ordinances.

Adoption of this Article shall in no way repeal or alter any law, ordinance or regulation prohibiting, restricting or licensing the ownership, transfer, possession or transportation of firearms or ammunition enacted before July 4, 1985. To the extent that this Article conflicts with any similar ordinance prohibiting, restricting or licensing the ownership, transfer, possession or transportation of firearms or ammunition enacted before July 4, 1985, the more stringent of the two ordinances shall govern.

§ 116-14D. Effective Date.

This Article shall become effective immediately upon its adoption by the Town of Fenwick Island.

CHAPTER 160 – ZONING

§ 160-2. Definitions and word use.

Existing:

- B. For the purpose of this chapter, certain terms and words are defined as follows:

MOTEL/HOTEL – A building containing 16 or more sleeping rooms occupied by transient persons as guests for compensation on a daily basis. Each motel/hotel building shall include an on-site management and reception area, daily housekeeping services, and a lighted exterior sign identifying the name of the motel/hotel and the vacancy/no vacancy status. Sleeping rooms may be offered individually or in combination in suites.

Proposed:

- B. For the purpose of this chapter, certain terms and words are defined as follows:

MOTEL/HOTEL – A building containing no less than 16 nor more than 65 sleeping rooms occupied by transient persons as guests for compensation on a daily basis. Each motel/hotel building shall include an on-site management and reception area, daily housekeeping services, and a lighted exterior sign identifying the name of the motel/hotel and the vacancy/no vacancy status. Sleeping rooms may be offered individually or in combination in suites.

§ 160-5C. Area Regulations.

Existing:

- (5) Each motel/hotel permitted to be erected or altered hereafter shall occupy a lot(s) providing a minimum of 1,000 square feet of land area for each sleeping room therein, not to exceed a total of 65 sleeping rooms, including sleeping rooms in any apartment including sleeping rooms in any apartment included in the motel/hotel building.

Proposed:

- (5) Each motel/hotel permitted to be erected or altered hereafter shall occupy a lot(s) providing a minimum of 600 square feet of land area for each sleeping room, not to exceed a total of 65 sleeping rooms, including sleeping rooms in any apartment including sleeping rooms in any apartment included in the motel/hotel building.